

FILED
ORIGINAL
August 17, 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 10-0081

STATE OF MONTANA,

Plaintiff and Appellee,

v.

KENTON RICHARD WEIMER,

Defendant and Appellant.

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CLERK OF THE SUPREME COURT
STATE OF MONTANA

MOTION TO DISMISS BY STIPULATION

The Appellee, State of Montana, and the Appellant, Kenton Richard Weimer, hereby stipulate that the Appellant is entitled to a new sentencing hearing and that his sentence be vacated. In accordance with this stipulation, the parties agree to dismiss this appeal and have the matter remanded to the Montana Eleventh Judicial District Court, Flathead County, for a new sentencing. The parties agree that the new sentencing will occur before a new sentencing judge with an updated presentence investigation report.

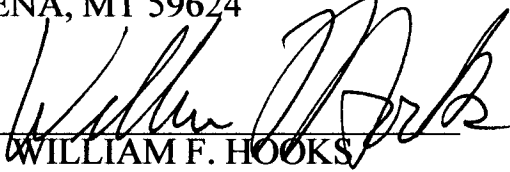
STEVE BULLOCK
Montana Attorney General
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401

By: Mardell Ployhar
MARDELL PLOYHAR
Assistant Attorney General

8/17/10
DATED

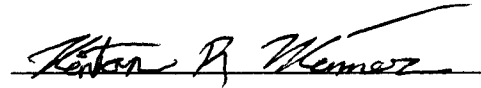
1 HOOKS & WRIGHT, P.C.
2 P.O. BOX 1582
3 HELENA, MT 59624

4 By:


WILLIAM F. HOOKS

8/16/10
DATE

6 KENTON RICHARD WEIMER
7 Appellant



8/19/10
DATE

10 **CERTIFICATE OF SERVICE**

11 I hereby certify that I caused a true and accurate copy of the foregoing
12 Motion to Dismiss by Stipulation to be mailed to:

13 Ms. Lori Adams
14 Deputy Flathead County Attorney
15 P.O. Box 1516
16 Kalispell, MT 59903-1516

17 William F. Hooks
18 Hooks & Wright, P.C.
19 Attorneys at Law
20 P.O. Box 1582
21 Helena, MT 59624



8/17/10
DATE